

1 GLYNN & FINLEY, LLP
ANDREW T. MORTL, Bar No. 177876
2 ADAM FRIEDENBERG, Bar No. 205778
One Walnut Creek Center
3 100 Pringle Avenue, Suite 500
Walnut Creek, CA 94596
4 Telephone: (925) 210-2800
Facsimile: (925) 945-1975
5 amortl@glynnfinley.com
afriedenberg@glynnfinley.com

6 Attorneys for Defendant GTE Mobilnet
7 of California Limited Partnership d/b/a
Verizon Wireless (erroneously sued and
8 referred to herein as "Verizon Wireless")

9

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

12

13 JANET PICKENS,

14 Plaintiff,

15 vs.

16 VERIZON WIRELESS,

17 Defendant.

18

19

20

21

22

23

24 TO PLAINTIFF JANET PICKENS:

25 PLEASE TAKE NOTICE that on February 29, 2008, at 9:00 a.m., or as soon thereafter as
26 the matter may be heard by the above-entitled Court, located at 450 Golden Gate Avenue, San
27 Francisco, California, Defendant GTE Mobilnet of California Limited Partnership doing business
28 as Verizon Wireless (erroneously sued and referred to herein as "Verizon Wireless") will bring

) Case No. CV-08-00004 JCS

) DEFENDANT GTE MOBILNET OF
) CALIFORNIA LIMITED
) PARTNERSHIP'S NOTICE OF
) MOTION AND MOTION TO DISMISS
) PLAINTIFF JANET PICKENS'
) COMPLAINT

) Date: February 29, 2008
) Time: 9:00 a.m.
) Courtroom: 7
) Before: Hon. Maxine M. Chesney

20 Accompanying Documents:

21 1) Memorandum of Points and
Authorities

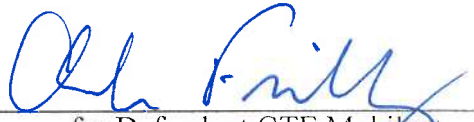
22 2) Request For Judicial Notice (with
23 exhibits)

1 on for hearing this motion to dismiss for failure to state a claim pursuant to Federal Rule of Civil
2 Procedure 12(b)(6). Said motion is made on the grounds that: 1) Plaintiff's purported claim for
3 relief for spirit form misappropriation is not a recognized right of action under California law;
4 and 2) Plaintiff has failed to allege sufficient facts to state a claim for relief for negligence.

5 This motion is based upon this Notice of Motion and Motion, and the Memorandum of
6 Points and Authorities and Request For Judicial Notice submitted herewith (including those
7 exhibits attached to said Request For Judicial Notice), all pleadings and papers on file in this
8 action, and upon such other matters of which the Court may take judicial notice or which may be
9 presented to the Court at the time of hearing.

10 Dated: January 9, 2008

11 GLYNN & FINLEY, LLP
12 ANDREW T. MORTL
13 ADAM FRIEDENBERG
14 One Walnut Creek Center
15 100 Pringle Avenue, Suite 500
16 Walnut Creek, CA 94596

17 By 
18 Attorneys for Defendant GTE Mobilnet
19 of California Limited Partnership d/b/a
20 Verizon Wireless (erroneously sued and
21 referred to herein as "Verizon Wireless")
22
23
24
25
26
27
28